

# HEALTH AND SOCIAL CARE ACT 2008

---

## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Financial assistance related to provision of health or social care services*

#### **Sections 151 and 152: Forms of assistance under s.149; Terms on which assistance under s.149 is given**

518. **Sections 151 and 152** concern the forms of financial assistance (e.g. grants, loans, guarantees, share capital) the Secretary of State can give to social enterprises and allow the Secretary of State to specify the terms on which it is provided. The sections allow some flexibility, so that:
- the Secretary of State can provide finance packages tailored for the particular needs of social enterprises;
  - the Secretary of State can set appropriate terms and conditions which will protect these investments.
519. **Section 151** allows the financial support that the Secretary of State can provide to take any form (with one exception), as well as setting out examples of the types of financial support that may be given. **Subsection (3)** ensures that the Secretary of State cannot give financial support to a company to set up a qualifying body by purchasing share capital in that company. This is because a longer term investment, such as purchasing share capital, would not be appropriate if the company itself is not a qualifying body.
520. **Section 152** enables the Secretary of State to impose terms and conditions on the financial support given to qualifying bodies and people setting up qualifying bodies. This includes terms as to when the financial assistance must be repaid. **Subsection (3)** requires the people or bodies receiving this kind of financial support from the Secretary of State to comply with the terms on which the support is provided.